



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
December 13, 2023

FREEDOM LAW FIRM

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

KRYSTA LYNN TREMKO,

Debtor.

BK Case No. 22-12349-MKN

Hearing Date: 12/6/2023

Hearing Time: 2:30 p.m.

**ORDER GRANTING MOTION TO DETERMINE COMENITY BANK'S WILLFUL
VIOLATION OF THE AUTOMATIC STAY AND REQUEST TO RECOVER
ACTUAL DAMAGES, ATTORNEY'S FEES AND COSTS, AND PUNITIVE DAMAGES**

Debtor's Motion to Determine Comenity Bank's Willful Violation of the Automatic Stay
and Requests to REcover Actual Damages, Attorney's Fees and Costs, and Punitive Damages

1 ("Motion for Sanction") came regularly before this Court for a hearing on December 6, 2023 at
2 2:30 p.m., George Haines, Esq., appeared on behalf of Debtor, and no opposition or other
3 appearances were made.

4 The above matter came on for hearing at the above date and time, appearances were
5 noted on the record, and argument was heard. To the extent the Court made findings of fact
6 and conclusions of law on the record at the hearing, those findings of fact and conclusions of law
7 are incorporated into this Order by this reference pursuant to Fed. R. Civ. P. 52(a)(1) and (2),
8 made applicable in this proceeding pursuant to Fed. R. Bankr. P. 7052.

9 Based upon the record before the Court, for the reasons stated on the record at the hearing
10 on December 6, 2023 at 2:30 p.m, and for good cause appearing:

11 IT IS HEREBY ORDERED that Comenity shall pay Debtor's attorney's fees and costs in
12 the amount of \$500.00;

13 IT IS FURTHER ORDERED that Comenty shall also pay to Debtor, through her
14 Counsel, emotional distress damages in the amount of \$500.00;

15 IT IS FURTHER ORDERED that the \$1,000.00 in total damages set forth herein are
16 hereby reduced to a Judgment pursuant to Fed. R. Bankr. P. 7069, which may be enforced by a
17 writ of execution in proceedings supplementary to an in aid of execution pursuant to Fed. R.
18 Bankr. P. 7069;

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1 IT IS FURTHER ORDERED that a copy of this Judgment shall be kept and indexed with
2 the civil judgments of the District Court pursuant to Fed. R. Bankr. P. 5003(c);

3 IT IS SO ORDERED.

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5 Respectfully submitted by:

6
7 /s/George Haines, Esq.
8 FREEDOM LAW FIRM, LLC
9 Attorneys for Debtor

10 **ALTERNATIVE METHOD UNDER LOCAL RULE 9021**

11 In accordance with LR 9021, counsel submitting this document certifies that the order
12 accurately reflects the court's ruling and that (check one):

13 X The court has waived the requirement set forth in LR 9021(b)(1).

14 No party appeared at the hearing or filed an objection to the motion.

15 I have delivered a copy of this proposed order to all counsel who appeared at
16 the hearing, and any unrepresented parties who appeared at the hearing, and each
17 has approved or disapproved the order, or failed to respond, as indicated
below [list each party and whether the party has approved,
disapproved, or failed to respond to the document]:

18 I certify that this is a case under Chapter 7 or 13, that I have served a
19 copy of this order with the motion pursuant to LR 9014(g), and that no
party has objected to the form or content of the order.

20 /s/ George Haines, Esq.
21 George Haines, Esq.
22 FREEDOM LAW FIRM, LLC
Attorneys for Debtor

Date: 12/11/2023